



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	WITHDRAWAL OF
	:	PROVISIONAL ORDER
MELISSA L. DONOGHUE, R.N.	:	OF DISCIPLINE
License # 26NR12603700	:	
	:	
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Melissa L. Donoghue ("Respondent") is a Registered Professional Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On or about April 19, 2012, Respondent completed and submitted an online biennial renewal application which asked whether Respondent would have "completed the required continuing education credits by May 31, 2012," referring to the biennial

renewal period of June 1, 2010 - May 31, 2012. Respondent answered "yes" and certified the answer by submitting the online application.

3. On February 8, 2013, the Board sent a letter of inquiry to Respondent's mailing address in Palisades Park, New Jersey, via regular and certified mail, requesting certain documents, including proof of having completed the required continuing education.

3. Respondent responded to the letter of inquiry and maintained that she had completed the required continuing education, but failed to provide adequate documentation thereof. Respondent provided documentation of completing 15 hours¹ of continuing education with the June 1, 2010 - May 31, 2012 biennial period. The other documentation submitted by Respondent failed to state when the courses were completed, the number of contact hours awarded for each course, and whether the courses had been approved or accredited as continuing education for nurses.

4. On or about May 21, 2014, Respondent completed and submitted an online biennial renewal application which asked whether Respondent would have "completed the required continuing education credits by May 31, 2014," referring to the biennial

¹For a 3 credit college course related to nursing, Respondent earned 5 hours for each credit totaling 15 hours.

renewal period of June 1, 2012 - May 31, 2014. Respondent was also asked whether she completed the one hour course on Organ and Tissue Donation. Respondent answered "yes" to both questions and certified the answers by submitting the online application.

CONCLUSIONS OF LAW

Pursuant to N.J.A.C. 13:37-5.3(b), nurses are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses. Pursuant to N.J.A.C. 13:37-5.3(f), nurses are required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

Respondent failed to demonstrate, to the satisfaction of the Board, that Respondent completed the continuing education credits required for renewal during the biennial period of June 1, 2010 - May 31, 2012 and June 1, 2012 - May 31, 2014. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's use of dishonesty and misrepresentation during the license renewal process in falsifying her continuing

education information constitutes a violation of N.J.S.A. 45:1-21(b), subjecting respondent to sanctions.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on June 2, 2015, provisionally suspending respondent's nursing license, and imposing a reprimand and a \$250 civil penalty. A copy of the Order was served upon the respondent by certified and regular mail at her address of record, and was also sent to her attorney. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order, and ultimately demonstrated timely completion of required nursing continuing education for the 2010-2012 and 2012-2014 licensing cycles. Therefore, the preliminary finding of a violation of N.J.A.C. 13:37-5.3 and of N.J.S.A. 45:1-21(b) is not sustained, and the Provisional Order of Discipline must be withdrawn.

ACCORDINGLY,

IT IS ON THIS 11th DAY OF December, 2015

ORDERED THAT:

1. The Provisional Order of Discipline filed on June 2, 2015 is hereby withdrawn.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy PhD APN
Patricia Murphy, PhD, APN
Board President